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Art Unit 2115
Serial No. 10/816,545

Reply to Office Action of: September 28, 2006
Attorney Docket No.: K35A1501

REMARKS

OATH/DECLARATION

The examiner objected to the declaration for not identifying the city and state of residence of each inventor or the mailing address of each inventor. However, this information was provided in an application data sheet filed with the application (copy attached).

REJECTION UNDER 35 USC § 112

The examiner objected to claims 20 and 36 for containing the trademark *Firewire™*. These claims have been canceled in the above claim amendments.

REJECTION UNDER 35 USC § 103

The examiner rejected claims 1-6, 8-26 and 28-37 under 35 U.S.C. § 103(a) as unpatentable over Chen (US 2005/0015477) in view of Applicant's Admitted Prior Art (AAPA). The applicant respectfully disagrees.

Regarding claim 1, the examiner asserts that Chen discloses a method for remotely power cycling a peripheral data storage system from a host system, the method comprising:

powering-up the peripheral data storage system from the host system based on a host-scheduled backup operation [fig. 3; paragraphs 0028-0031];
transmitting data to the peripheral data storage system from the host system based on the host-scheduled backup operation [paragraphs 0004, 0016]; and
powering-down the peripheral data storage system from the host system based on the host-scheduled backup operation [fig. 2; paragraphs 0024-0027].

The applicant respectfully disagrees. Chen does not disclose to transmit data to the peripheral data storage system from the host system based on the host-scheduled

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backup operation. At paragraph 0004, Chen merely teaches the use of a disk server for providing file management functions, and at paragraph 0016, Chen merely describes a server management system shown in Fig. 1 including a network server 110 and storage server 120 which allows users to transmit files in sequential order and alter data transmission sequences of the files upon user's requests. Nowhere does Chen disclose or suggest to transmit data to the peripheral data storage system from the host system based on the host-scheduled backup operation. The rejection should therefore be withdrawn.

Regarding claim 2, the examiner asserts that Chen teaches the powering-up is performed periodically at a pre-scheduled time corresponding to the host-scheduled backup operation [paragraph 0020, 0022]. Although Chen teaches to periodically power-up a peripheral data storage system using a scheduling command, Chen does not disclose or suggest to periodically power-up a peripheral data storage system at a pre-scheduled time corresponding to a host-scheduled backup operation. Although Chen discloses a scheduling command for backing up the peripheral data storage system [paragraph 0021], Chen does not disclose or suggest a scheduling command for transmitting data to the peripheral data storage system from the host system based on a host-scheduled backup operation. The rejection should therefore be withdrawn.

Regarding claim 6, although Chen discloses to schedule a power-off time for the peripheral data storage system, Chen does not disclose or suggest to cease the supplying of operating power to the peripheral data storage system from the host system. In fact, Chen does not disclose any details about the origin of the power supplied to the peripheral data storage system. The rejection should therefore be withdrawn.

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Regarding claim 16, although the AAPA discloses to transmit pre-selected data from a host system to a peripheral data storage system in connection with a host-scheduled backup operation, the AAPA does not disclose or suggest to power-up the peripheral data storage system from the host system based on the host-scheduled backup operation, or to power-down the peripheral data storage system from the host system based on the host-scheduled backup operation. In addition, nothing in Chen or the AAPA would suggest a motivation for such a modification to the prior art. "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." (*In re Fritch* 972 F.2d 1260; 23 U.S.P.Q.2D (BNA) 1780 (1992).). The rejection should therefore be withdrawn.

Regarding claim 17, as described above, Chen does not disclose or suggest to configure a host-scheduled backup operation in the host system prior to the powering-up. The rejection should therefore be withdrawn.

Regarding claim 21, neither Chen nor the AAPA disclose or suggest a method of operating a peripheral data storage system for use with a host system configured to perform scheduled backup operations to the peripheral data storage system, the peripheral data storage system comprising a peripheral data storage device, a peripheral data storage system controller, and a peripheral data storage controller host interface adapted for communication with the host system, the method comprising:

powering-up the peripheral data storage system based on a host-scheduled backup operation;

receiving data from the host system for storing in the peripheral data storage device;

and

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powering-down the peripheral data storage system based on the host-scheduled backup operation.

The rejection should therefore be withdrawn.

The examiner rejected claims 7, 8, 15, 27 and 37 under 35 U.S.C. § 103(a) as unpatentable over Chen (US 2005/0015477) in view of Applicant's Admitted Prior Art (AAPA) and further in view of Serichol Blasco (US 6,892,288). This rejection should be withdrawn for at least the reasons set forth above.

The rejections of the remaining claims should be withdrawn for at least the reasons set forth above.

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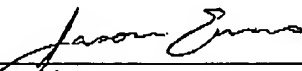
CONCLUSION

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are now in condition for allowance and requests reconsideration of the rejections. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 23-1209.

Respectfully submitted,

Date: December 1, 2006

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